In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 19560 of 2006

Date of Decision: 11.12.2006

Darshan Singh Gill

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Amarjit Singh, Advocate
for the petitioner.

...

J.S. Khehar, J. (Oral).

Through the instant writ petition, the petitioner has impugned the order dated 28.6.2002 by which respondent No.3 was promoted as General Manager in the Punjab Roadways. It is the vehement contention of the learned counsel for the petitioner, that the cadre of Assistant Divisional Managers came to be merged with the cadre of Assistant Mechanical Engineers in the year 1998 and he never came to know about the fact, that respondent No.3 was inducted against the post of Assistant Mechanical Engineer, with effect from a date later than the date, on which the petitioner was appointed as Assistant Divisional Manager. It is, therefore, the vehement contention of the learned counsel for the petitioner, that the seniority list which was wrongly prepared after the merger of the aforesaid

cadre, resulted in the promotion of respondent No.3 as General Manager in the Punjab Roadways, on 28.6.2002. It is also the contention of the learned counsel for the petitioner, that the petitioner became aware of the exact date of appointment of respondent No.3 as Assistant Mechanical Engineer only in August, 2006, when the order dated 18.5.1990 (Annexure P-2) came to his hands.

It is not possible for us to entertain the claim of the petitioner through the instant writ petition. The petitioner not only desires to re-determine the inter-se seniority between him and respondent No.3, but also to challenge the promotion allowed to respondent No.3 as far back as on 28.6.2002, vide the impugned order dated 28.6.2002 (Annexure P-6). As of now, even a civil suit is not competent as against the aforesaid order, in view of the law of limitation.

For the reasons recorded above, we are satisfied, that the instant writ petition suffers from delay and laches. The same is, accordingly, dismissed for the aforesaid reasons.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

11.12.2006
sk.